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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ENCARNACION MAYO RODRIGUEZ,
MARIA LUISA ESCAMILLA-LOPEZ,
JUAN CHAVARRIA,
JUAN RAMON LOPEZ,
CHARLES JAMES BILLINGSLEY, JR.,

Defendants.

CASE NO. 2:19-CR-0231-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: November 20, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

1. By previous order, this matter was set for status on November 20, 2023.
2. By this stipulation, defendants now move to continue the status conference until **February 5, 2024, at 9:00 a.m.**, and to exclude time between November 20, 2023, and February 5, 2024, under Local Codes T4, C, and R.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes over 4400 pages of documents, including investigative reports, photographs, cell phone records, and other materials, as well as numerous audio and video recordings. All of this

1 discovery has been either produced directly to counsel and/or made available for inspection and
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related
7 to the spread of COVID-19 occurred. Federal and state authorities issued directives designed to
8 address the pandemic. These directives hampered the ability of the defense to conduct
9 investigation as to potential defenses in this matter. Additional time is therefore required for
10 defense investigation into matters charged in the Indictment.

11 d) On June 21, 2022, defendant Juan Chavarria was arrested in San Joaquin County
12 for state firearms violations. He was later released pending trial. On July 22, 2022, Chavarria
13 was arrested for attempted murder, in San Joaquin County, where he is being held without bail.
14 *See* ECF No. 228 (Pretrial Services Violation Petition).

15 e) Counsel for defendants desire additional time to conduct factual investigation and
16 legal research into potential defenses and trial and sentencing issues, to review the discovery, to
17 consult with their clients, and to otherwise prepare for trial.

18 f) Counsel for defendants believe that failure to grant the above-requested
19 continuance would deny them the reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence.

21 g) The government does not object to the continuance.

22 h) Based on the above-stated findings, the ends of justice served by continuing the
23 case as requested outweigh the interest of the public and the defendant in a trial within the
24 original date prescribed by the Speedy Trial Act.

25 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
26 et seq., within which trial must commence, the time period of November 20, 2023 to February 5,
27 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
28 T4] because it results from a continuance granted by the Court at defendant's request on the basis

of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. In addition, the time period of June 21, 2022, through the present, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(B) [Local Code C], and 18 U.S.C. § 3161(h)(6) [Local Code R], because the period of delay results from defendant Chavarria facing other charges in San Joaquin County. *See United States v. Lopez-Espindola*, 632 F.2d 107 (9th Cir. 1980).

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 15, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

Dated: November 15, 2023

/s/ Todd D. Leras
TODD D. LERAS
Law Office of Todd D. Leras
*Attorney for defendant Jose Encarnacion
Mayo Rodriguez*

Dated: November 15, 2023

/s/ Dina Lee Santos
DINA LEE SANTOS
Law Offices of Dina L. Santos
*Attorney for defendant Maria Luisa Escamilla-
Lopez*

Dated: November 15, 2023

/s/ Clemente Jimenez
CLEMENTE JIMENEZ
Law Office of Clemente M. Jimenez
Attorney for defendant Juan Chavarria

1 Dated: November 15, 2023

/s/ Phillip Cozens
PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant Juan Ramon Lopez


4 Dated: November 15, 2023

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant Charles J. Billingsley, Jr.

9 **FINDINGS AND ORDER**

10 IT IS SO FOUND AND ORDERED.

12 Dated: November 15, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE